

REMARKS

Claims 1 through 21 are pending in the application, with claim 21 being withdrawn as a result of a restriction requirement. The applicant appreciates the Examiner's consideration of the information cited by applicant in his information disclosure statement.

The abstract is objected to under various grounds. Submitted herewith is a new abstract for inclusion in the application.

Claims 4 through 20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 18 of co-pending application 10/611,661. In order to expedite prosecution of this application, submitted herewith is a terminal disclaimer. It is thus respectfully submitted that this provisional rejection has been overcome.

Claims 4 through 20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent Numbers 6,112,598 and 6,167,673.

At the outset it is noted that the '598 and '763 documents qualify as prior art under § 102(b).

Claim 4 has been cancelled. Remaining claims 5 through 20 are clearly patentable over the '598 and '763 documents for at least the following reasons.

Both independent claim 5 and independent claim 12 recite a recess in the sensor chip/element. Examples of such a recess are illustrated as items 27 and 37 in Figures 2 and 3 of the present application.

Neither the '598 patent nor the '763 patent disclose or suggest such a recess. The '598 and '763 patents are directed to different ways of mounting a sensor chip/element and are completely missing the concept of modifying the sensor chip or element itself.

It is thus respectfully submitted that claims 5 through 20 are clearly patentable over the '598 and '763 patents.

Claims 1 through 3 stand rejected under §103 as being unpatentable over Hoek in view of Grantham.

By way of this amendment, claim 1 has been amended to further define the invention. It is noted that features of claim 4 (which was not rejected based on Hoek and Grantham) are being added to claim 1.

Amended independent claim 1 and associated dependent claims 2 through 3 are clearly patentable for at least the following reasons.

In Grantham, the hinge 111A is provided in or at its pressure sensitive membrane 117. In contrast, in the present invention, the hinge is provided away from the pressure sensitive membrane such that deformations in the core wire 22, 32 are not transferred to the pressure sensitive membrane. These features are specifically recited in amended claim 1 wherein the first end portion contains the pressure sensitive device and the hinge portion is not provided in the first end portion but instead is provided between the first end portion and a second portion of the sensor chip.

It is also noted that the hinge in Grantham solves a completely different problem than the hinge in the present invention. In Grantham, the hinge is intended to reduce sensor non-linearity, as discussed in column 3, lines 49 through 52. In contrast, in the present invention, the hinge reduces the affect of bending artifacts. And since the Grantham hinge solves or reduces the problem of sensor non-linearity, the hinge has to be provided in the pressure sensitive membrane; and, in particular, the hinge cannot be arranged away from the pressure sensitive membrane, because such an arrangement would render the hinge useless for the problem presented by Grantham. As stated in MPEP 2143.01 "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification."

It is thus respectfully submitted that amended claim 1 and associated dependent claims 2-3 are clearly patentable.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By  _____

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